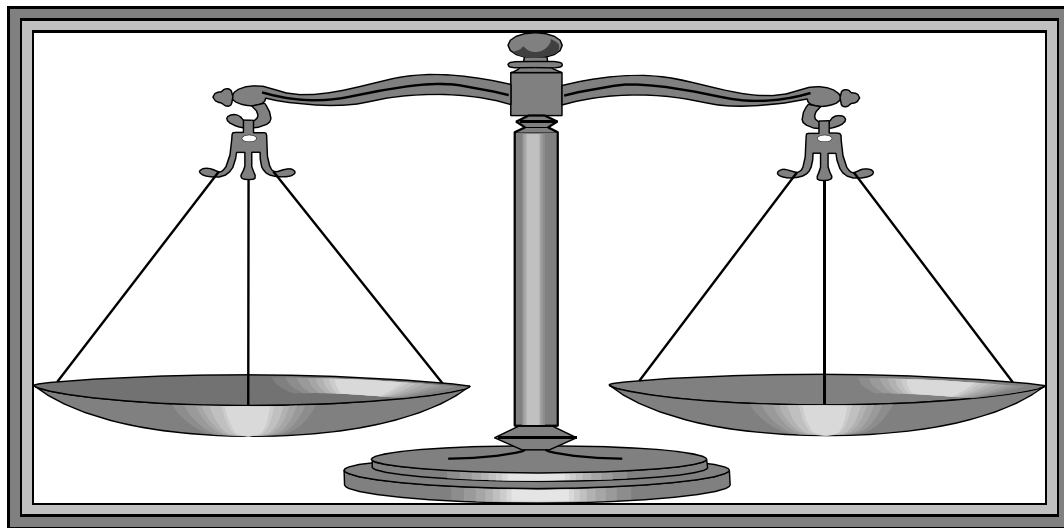


***UNITED STATES DISTRICT COURT  
For the Eastern District of Virginia  
Alexandria Division***

***Pro Se  
Reference  
Handbook***



March 31, 2015

**UNITED STATES DISTRICT COURT**  
**For the Eastern District of Virginia**  
**Alexandria Division**

**Pro Se Reference Handbook**

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**Introduction**

Welcome to the United States District Court for the Eastern District of Virginia. The Eastern District of Virginia consists of four divisions: Alexandria, Norfolk, Richmond, and Newport News.

The following instructions have been compiled to assist any person wishing to represent themselves (pro se) in a civil action in the Alexandria Division. These procedures do not satisfy all needs, nor is this handbook a substitute for legal representation. The information contained herein is not legal advice.

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# Pro Se Reference Handbook

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## Pro Se Definition

People acting pro se are people who represent themselves in a legal action. A pro se litigant may only represent themselves; they may not represent any other person or entity.

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## Legal Resources Available

The following legal resources are available to people representing themselves pro se:

Resource	Hours of Operation
Legal Services of Northern Virginia, Inc. 121 N. Washington St Suite 300A Alexandria, VA 22314 (703) 684-5566	Monday – Friday 9:00 a.m. – 4:00 p.m.
Alexandria Bar Lawyers Referral 520 King Street Suite 202 Alexandria, VA 22314 (703) 548-1105	Monday – Thursday 9:00 a.m. – 4:00 p.m.  Friday 9:00 a.m. – 1:00 p.m.
Alexandria Law Library 520 King Street Suite 308 Alexandria, VA 22314 (703) 838-4077	Monday – Friday 9:00 a.m. – 5:00 p.m.

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## Filing Procedures

The Court requires an original of each document filed. A document is called a “pleading.” Pleadings must be typed, printed or legibly handwritten on 8 1/2 x 11 inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

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## Copies of Court Documents

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk’s Office to be copied and returned. The fee for any copying of court documents done by the Clerk’s Office is \$0.50 per page for paper documents and \$0.10 per page for electronic documents. Payment is due at the time of the copy request.

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## Pro Se Reference Handbook, Continued

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### **Complaint Filing Fee**

The charge for filing a complaint is \$400.00. There may also be additional fees for service of the summons and complaint upon the defendant. “Service” is the term used to describe the procedure by which a defendant is informed of a lawsuit that has been commenced or of additional pleadings added to the file as the case proceeds.

If the payment of fees poses a hardship, the filer may apply to be excused from the payment of fees by completing the form “Application to Proceed Without Prepayment and Affidavit.” The form may be obtained from the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov), and from the Clerk’s Office. A sample *Application to Proceed Without Prepayment and Affidavit* is provided in this handbook. If the Court allows waiver of fees, then the filing and the service fee of the U.S. Marshal do not need to be paid.

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### **Address Change**

The Court must be informed of any change of address. The Clerk’s Office must have a current, correct address and telephone number in the file. In the event of a move, the Court must be promptly notified of any change of status.

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### **Rules to Follow**

The Federal Rules of Civil Procedure and the Court’s Local Rules must be followed throughout the life of the case. These rules can be found on the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov). The Clerk’s Office employees are not attorneys and are prohibited from giving legal advice or acting as counsel.

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## Pro Se Reference Handbook, Continued

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### Complaint

Civil lawsuits in Federal Court begin with the filing of a complaint. The name of the court, “The United States District Court for the Eastern District of Virginia, Alexandria Division” should appear on the first page, centered at the top of the page. A sample complaint is included in this handbook.

The complaint must include the following:

- A caption that contains the names of the litigants, such as name and address of the plaintiff (person filing the lawsuit) versus the name and address of the defendant (person being sued). This caption should appear on the upper left-hand corner of the page.
- A clear, concise statement of the allegations or claims you are making against the defendant(s) and reference to the laws or statutes under which federal jurisdiction is being claimed, i.e., why this lawsuit is being filed in federal court.
- A statement of the relief being sought – what the Court should do to correct the situation.

Also be sure to do the following:

- **Each** plaintiff sign and date the complaint,
- Type or legibly write the complaint on 8 ½” x 11” paper,
- Include a current address where notices from the Court or the opposing side may be served, and
- Submit a copy of the complaint for each defendant against whom the lawsuit is being filed.

To comply with the E-Government Act of 2002, do not include any sensitive information on documents filed with the Court. If sensitive information must be included, personal identifiers must be redacted as follows:

- Names of minor children to initials (Example: A.J., B.T.)
- Account numbers to the last four digits (xxxx-xxxx-1212)
- Social Security Numbers to the last four digits (xxx-xx-1212)
- Dates of birth to the year only (DOB 1999)

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## Pro Se Reference Handbook, Continued

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### Submission of the Complaint

When you submit your complaint to the Court, provide the following:

- The \$400.00 filing fee for a civil suit or your Motion to Proceed In Forma Pauperis (IFP). Your IFP application will be submitted to the judge for consideration. If your IFP application is granted, the court will enter an order granting IFP and your complaint will be filed. If your IFP application is denied, you will be required to pay the filing fee.
- The original Complaint and an identical copy, including any exhibits, attachments, or motions that you submitted with the Complaint, for **EACH** Defendant to be served.

**Note:** If the Defendant is either an agency of the United States or an officer or employee of the United States, you must provide two additional copies of the complaint, including any exhibits, attachments, or motions that you submitted with the Complaint. The additional copies are for service on the U.S. Attorney General and the U.S. Attorney in Alexandria.

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### Service of Process

“Service of Process” refers to the procedure of notifying a defendant that a lawsuit has been filed, what the lawsuit is about, and the time for filing an answer to the complaint.

In accordance with Rule 4 of the Federal Rules of Civil Procedure, you are responsible for making arrangements for service of the Complaint within 120 days from the date the Complaint is filed. If service is not effected within 120 days, your case may be dismissed.

The U.S. Marshal will not serve a summons and complaint if the pro se plaintiff is able and required to pay the filing and service fees. In that instance, the pro se plaintiff is responsible for prompt service of the complaint and summons in accordance with Local Rule 4(A) and Rule 4 of the Federal Rules of Civil Procedure.

The summons and complaint may be served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

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## Pro Se Reference Handbook, Continued

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### Service of Process – Mail Service

Rule 4 of Federal Rules of Civil Procedure also provides for service of the complaint by mail using the “Notice of Lawsuit” and “Waiver of Service of Summons” forms. Rule 4 permits a defendant to waive personal service of process. This means that the defendant(s) agrees to respond to the Complaint without being personally served with a summons. A *Notice of Lawsuit and Waiver of Service of Summons* form must be completed for each defendant. These forms may be obtained from the Clerk’s Office or on our website at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov). A sample *Notice of Lawsuit and Waiver of Service of Summons* is provided in this handbook.

To request waiver of service of summons from a Defendant, you must send the Defendant the following items by first class mail or other reliable means:

- Completed *Notice of Lawsuit and Request for Waiver of Service of Summons* forms,
- An extra copy of the *Waiver of Service of Summons* form for the Defendant to keep,
- A self-addressed stamped envelope so the Defendant can return a *Waiver of Service of Summons* to you,
- A copy of the complaint, including any exhibits or attachments or any motions that you submitted with the complaint.

When you receive the signed *Waiver of Service of Summons* form from the Defendant(s), you must file the originals with the Court. If the Defendant fails to return the *Waiver of Service of Summons* form within the specified time, you must submit a written notification to the Clerk and request that a summons be issued by the Clerk’s Office.

**Note:** Notice and Waiver forms may not be used when the defendant is the United States, a federal government agency, or a federal government official or employee of a foreign, state, or local government sued in his official capacity.

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## Pro Se Reference Handbook, Continued

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### **Service of Process on a U.S. Government Agency or Employee**

If the Defendant is either an agency of the United States or an officer or employee of the United States, you must also serve both the U.S. Attorney General and the U.S. Attorney in Alexandria with a Summons form. You can serve the summons and complaint either by first class mail (or other reliable means) or you may have the summons and complaint personally served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

Submit two copies of a completed *Summons* form for service on each of the following:

Serve:  
Attorney General of the United States  
Main Justice Building  
10<sup>th</sup> & Constitution Ave, NW  
Washington, DC 20530

Serve:  
United States Attorney for the Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria VA 22314

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### **Copies of Pleadings to Opposing Side**

After a defendant has been served, a copy of any pleading submitted to the Court must also be sent to the defendant's attorney (or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure.

All pleadings must contain a *Certificate of Service* reflecting that a copy of the pleading has been sent to the opposing side. A sample *Certificate of Service* is provided in this handbook.

The Clerk is not permitted to forward copies of pleadings for any litigant.

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## Pro Se Reference Handbook, Continued

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### Motions Practice

Motions hearings for civil cases are held on Fridays at 10:00 a.m. unless otherwise ordered.

To set a civil motion for a hearing, you need to do the following:

- File a “Notice of Hearing” with your motion, setting the motion for a Friday at 10:00 a.m.
  - Select your Friday motion date according to the following deadlines:
    - Non-dispositive motions (e.g., discovery, default judgment, leave to file an amended complaint, etc.) must be filed by 5:00 p.m. Friday for the following Friday’s hearings.
    - Dispositive motions (e.g., summary judgment, dismiss case, etc.) must be filed and noticed for a Friday after the 11-day response deadline expires.
- 

### Sample Forms

Samples of the following forms are included below for review and guidance:

- Application to Proceed Without Prepayment and Affidavit
- Complaint
- Notice of Hearing
- Certificate of Service
- Summons
- Notice of Lawsuit and Request for Waive of Service of Summons

*Note: Statements in bold on the forms are guidance for filling out the forms.*

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# UNITED STATES DISTRICT COURT

Eastern

District of

Virginia

Plaintiff

V.

Defendant

## APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER:

I, \_\_\_\_\_ declare that I am the (check appropriate box)  
petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the \_\_\_\_\_ Do you receive any payment from \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past **six** months' transactions.

2. Are you currently employed? ☐ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts? ☐ Yes ☐ No  
If "Yes," state the total amount. \_\_\_\_\_
5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☐ No  
If "Yes," describe the property and state its value.
6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

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Date

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Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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**ORDER OF COURT**

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The application is hereby denied

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

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United States Judge

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Date

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United States Judge  
or Magistrate

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Date

**In the United States District Court  
for the Eastern District of Virginia  
Alexandria Division**

Plaintiff's Name  
Address  
Phone Number

v. Civil Action No. *(Leave blank, will be assigned by Clerk's Office)*

Defendant's Name  
Address  
Phone Number

**COMPLAINT**

1. Grounds for jurisdiction. (**Why do you think Federal Court is the appropriate court for your case?**)
2. Facts of the case. Be specific. What events occurred? When did the events occur? Who was involved. Why do you contend the acts were wrongful? (**You may use as much space as necessary.**) The last paragraph should state the relief you are seeking.
3. If applicable, describe how and when you exhausted any administrative remedies.

SIGNATURE \_\_\_\_\_  
Name (Printed)  
Address  
Phone Number

***Submit an original plus one copy for each person you are bringing suit against.***

**In the United States District Court  
for the Eastern District of Virginia  
Alexandria Division**

Plaintiff's Name

v.

Civil Action No. *(Enter Civil Action Number)*

Defendant's Name

**NOTICE**

PLEASE TAKE NOTICE that on Friday *(enter date for hearing)* \_\_\_\_\_, at  
10:00 a.m., or as soon thereafter as the undersigned may be heard, the plaintiff(s) will present to the  
Court the Motion *(enter motion type)* \_\_\_\_\_.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Printed Name)*

*Address*

*Telephone Number*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing

(1) \_\_\_\_\_, was mailed  
this (2) \_\_\_\_\_ Day of (3) \_\_\_\_\_, to (4) \_\_\_\_\_  
\_\_\_\_\_ at (5) \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
(Your Signature)

### Instructions

YOU must send a copy of every motion, pleading or document to the defendant(s) or counsel for defendant(s). If you do not send a copy to the defendant(s) or counsel for the defendant(s), the court will not be able to consider your document.

You must prepare and submit one certificate of service for EACH motion, pleading, or document you wish to have considered by the court.

Complete each blank as directed:

(1) Describe the document you are submitting to the court and sending to the defendant(s). (Remember: you should attach a Certificate of Service to each motion, pleading, or document you wish to have considered by the court.)

(2) Day of the month that you give the document to officials for mailing to the defendant(s) or counsel for the defendant(s).

(3) Month and year.

(4) Name of person(s) to whom you are sending a copy of the document. If you send it directly to the defendant(s), list each defendant to whom you send a copy. If you send it to counsel for the defendant(s), list only the name(s) of counsel.

(5) Address(es) that copy is being mailed to.

**NOTE:** YOU MUST SIGN THIS FORM. The court will not accept this form without an original signature.

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



## NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS

TO: (A) \_\_\_\_\_

as (B) \_\_\_\_\_ of (C) \_\_\_\_\_

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the

(D) \_\_\_\_\_ District of \_\_\_\_\_  
and has been assigned docket number \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver

within (F) \_\_\_\_\_ days after the date designated below as the date on which this Notice and is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, \_\_\_\_\_ day of  
this \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff's Attorney  
or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)

B—Title, or other relationship of individual to corporate defendant

C—Name of corporate defendant, if any

D—District

E—Docket number of action

F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

## WAIVER OF SERVICE OF SUMMONS

TO: \_\_\_\_\_  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, \_\_\_\_\_, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of \_\_\_\_\_,  
(CAPTION OF ACTION)

which is case number \_\_\_\_\_ in the United States District Court  
(DOCKET NUMBER)

for the \_\_\_\_\_ District of \_\_\_\_\_.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after or within 90 days after that date if the request was sent outside the United States.

\_\_\_\_\_,  
(DATE REQUEST WAS SENT)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

Printed/Typed Name: \_\_\_\_\_

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



## **Pro Se (Non-prisoner) Consent & Registration Form to Receive Documents Electronically in the Alexandria Division of the Eastern District of Virginia**

Parties in a civil action who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or calling 1-800-676-6856; and
2. Complete and sign the attached form.

If you consent to receive documents electronically and the request is approved by the judge, you will receive a Notice of Electronic Filing (NEF) by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you will not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time the hyperlink is accessed after the “free look” or the 15 days has expired, you will be asked for a PACER login and will be charged to view the document. For this reason, ***you should print or save the document during the “free look” to avoid future charges.***

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 1, and the Court’s Electronic Case Filing Policies and Procedures, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during the “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the document(s);
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of your case.<sup>2</sup>
5. You will still be required to serve paper documents on opposing counsel or pro se litigants by mail unless the parties agree to accept service by e-mail in lieu of a paper document or the document is one that is exempt from electronic case filing such as a sealed document.
6. You will be responsible for immediately notifying the court in writing of any change of your e-mail address.

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



United States District Court  
For the Eastern District of Virginia  
E-Noticing Registration Request for Pro Se Litigants

Case Number: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

The undersigned:

- Consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b) via the Court's electronic filing system.
- Waives service and notice by first class mail of all electronically filed documents to include orders and judgments.
- Is responsible for immediately notifying the court in writing of any change of email address.
- Must be registered with PACER ([www.pacer.gov](http://www.pacer.gov)).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Court Use Only:

The request is GRANTED \_\_\_\_\_ or DENIED \_\_\_\_\_

\_\_\_\_\_  
(Judge's Signature)

\_\_\_\_\_  
(Date)

## **LOCAL CIVIL RULE 83.1**

### **ATTORNEYS AND PRO SE PARTIES**

**(A) Eligibility:** Any person who is an Active Member of the Virginia State Bar in good standing is eligible to practice before this Court upon admission.

**(B) Initial Appearance:** Any person who meets the requirements of the foregoing paragraph and who maintains a law office outside of Virginia shall set forth his or her Virginia State Bar I.D. Number on any initial pleading filed by such person.

**(C) Procedure for Admission:** Every person desiring admission to practice in this Court shall file with the Clerk written application therefor accompanied by an endorsement by two (2) qualified members of the bar of this Court stating that the applicant is of good moral character and professional reputation. The form for such application may be obtained from the Clerk's Office.

As a part of the application, the applicant shall certify that applicant has within ninety (90) days prior to submission of the application read or reread (a) the Federal Rules of Civil Procedure, (b) the Federal Rules of Evidence, and (c) the Local Rules of the United States District Court for the Eastern District of Virginia.

The applicant shall thereafter be presented by a qualified practitioner of the Court who shall in open Court by oral motion, and upon giving assurance to the Court that the practitioner has examined the credentials of the applicant and is satisfied the applicant possesses the necessary qualifications, move the applicant's admission to practice.

The applicant shall in open Court take the oath required for admission, subscribe the roll of the Court, and pay to the Clerk the required fee. For such payment, the applicant shall be issued a certificate of qualification by the Clerk. For good cause shown, the Court may waive payment of the fee.

Federal government attorneys, whether they are Department of Justice attorneys, or assistant United States attorneys, or employed by any other federal agency, are not required to pay the admission fee if they are appearing on behalf of the United States.

**(D) Foreign Attorneys:**

(1) Upon written motion by a member of this Court, a practitioner qualified to practice in the United States District Court of another state or the District of Columbia may appear and conduct specific cases *pro hac vice* before this Court including oral arguments of motions and trial, provided that:

(a) The rules of the United States District Court of the district in which the practitioner maintains an office extend a similar privilege to members of the bar of this Court; and

(b) That such practitioners from another state or the District of Columbia shall be accompanied by a member of the bar of this Court in all appearances before this Court.

For purposes of this Local Civil rule, a member of the bar of this Court shall be a person admitted to practice under Local Civil Rule 83.1(C).

(2) All practitioners admitted before this Court for the purpose of participating in a particular proceeding *pro hac vice* shall be subject to the Local Rules of the United States District Court for the Eastern District of Virginia and the Federal Rules of Disciplinary Enforcement (Appendix B). Applicants for *pro hac vice* admission shall complete a written application certifying that they have read the Local Rules and shall pay the required fee to the Clerk. Federal government attorneys, whether they are United States Department of Justice attorneys, or assistant United States attorneys, or employed by any other federal agency, are not required to pay the admission fee if they are appearing on behalf of the United States. If the Court finds the application otherwise appropriate, upon payment of the required fee, the Court may order the *pro hac vice* admission of the applicant. Revenues from *pro hac vice* admission fees shall be deposited in the Court's non-appropriated funds account and disbursed by order of the chief judge of the district for such improvements to the Court's administration of justice as the chief judge finds appropriate.

(3) Except where a party conducts his or her own case, no pleading or notice required to be signed by counsel shall be filed unless signed by counsel who shall have been admitted to practice in this Court under subparagraphs (A), (B) and (C) of this Local Rule, with the office address where notice can be served upon said attorney, and who shall have such authority that the Court can deal with the attorney alone in all matters connected with the case. Such appearance shall not be withdrawn without leave of the Court. Service of notice or other proceedings on such an attorney shall be equivalent to service on the parties for whom the attorney appeared.

(4) Federal government attorneys appearing pursuant to the authority of the United States Attorney's Office for the Eastern District of Virginia are not required to secure private local counsel. All other federal government attorneys representing the interests of the United States, including the United States Department of Justice, shall secure local counsel by working with an assistant United States attorney assigned to the Eastern District of Virginia or secure local counsel in accordance with Local Civil Rule 83.1(D)(3).

**(E) Western District of Virginia:** Any attorney admitted to practice in the Western District of Virginia who is an Active Member of the Virginia State Bar in good standing shall be permitted to practice in the Eastern District of Virginia upon the filing of a certificate from the Clerk of the Western District of Virginia showing that such attorney has been duly admitted to practice in that district.

**(F) Attorneys Filing Pleadings:** Any counsel presenting papers, suits, or pleadings for filing, or making an appearance, must be members of the bar of this Court, or must have counsel who are members of the bar of this Court to join in the pleading by endorsement. Any counsel who joins in a pleading, motion, or other paper filed with the Court will be held accountable for the case by the Court. At least one person admitted to practice under subsection (C) of this Local Rule must personally be present at all hearings, pretrials, and trials. This obligation may not be avoided or delegated without leave of Court.

**(G) Withdrawal of Appearance:** No attorney who has entered an appearance in any civil action shall withdraw such appearance, or have it stricken from the record, except on order of the Court and after

reasonable notice to the party on whose behalf said attorney has appeared.

**(H) Practicing Before Admission or While Disbarred or Suspended:** Any person who, before admission to the bar of this Court or during any disbarment or suspension, exercises any of the privileges of a member of the bar of this Court, or who pretends to be entitled so to do, shall be guilty of contempt of court and subject to appropriate punishment therefor.

**(I) Professional Ethics:** The ethical standards relating to the practice of law in civil cases in this Court shall be Section II of Part Six of the Rules of the Virginia Supreme Court as it may be amended or superceded from time to time.

**(J) Courtroom Decorum:** Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the counsel table or, if the Court is equipped with an attorney's lectern, from a standing position behind the lectern, facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

Examination of witnesses shall be conducted by counsel standing behind the lectern or, if none, behind the counsel table. Counsel shall not approach the witness except for the purpose of presenting, inquiring about, or examining the witness with respect to an exhibit, unless otherwise permitted by the Court. Only one attorney for each party may participate in the examination or cross-examination of a witness.

**(K) Third-Year Law Student:** An eligible law student qualifying pursuant to Paragraph II of the Plan for Third-Year Practice filed in each division of this Court is herewith given leave to participate in any civil case pursuant to said plan and as said plan may, from time to time, be amended. The Plan for Third-Year Practice is Appendix A to these Local Rules.

**(L) Federal Rules of Disciplinary Enforcement:** All counsel admitted to practice before this Court or admitted for the purpose of a particular proceeding *pro hac vice* shall be admitted subject to the rules, conditions, and provisions set forth in full as Appendix B to these Local Rules.

**(M) Ghostwriting:**

(1) Any attorney who prepares any document that is to be filed in this Court by a person who is known by the attorney, or who is reasonably expected by the attorney, to be proceeding *pro se*, shall be considered to have entered an appearance in the proceeding in which such document is filed and shall be subject to all rules that govern attorneys who have formally appeared in the proceeding.

(2) All litigants who are proceeding *pro se* shall certify in writing and under penalty of perjury that a document(s) filed with the Court has not been prepared by, or with the aid of, an attorney or shall identify any attorney who has prepared, or assisted in preparing, the document.

**Each document filed with the court by a *pro se* litigant shall bear the following certification:**

### CERTIFICATION

I declare under penalty of perjury that:

(1) No attorney has prepared, or assisted in the preparation of this document.

\_\_\_\_\_  
Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

OR

(2) \_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document.

\_\_\_\_\_  
(Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

\_\_\_\_\_  
Plaintiff,

v.

Civil Action No.

\_\_\_\_\_  
Defendant.

**CERTIFICATION**

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of this document.

\_\_\_\_\_  
Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)

**OR**

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document.

\_\_\_\_\_  
(Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)